

MESSAGE NO: 0106301 MESSAGE DATE: 04/16/2010

MESSAGE STATUS: Active CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE: FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-804

EFFECTIVE DATE: 12/17/1990 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: SCOPE RULING ON SPARKLERS FROM CHINA (A-570-804)

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM AMERICAN PROMOTIONAL EVENTS, INC. COMMERCE ISSUED A FINAL SCOPE RULING ON 03/22/2010, THAT AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING SPARKLERS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-804).

2. COMMERCE DETERMINED THAT AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE MERITS A NEGATIVE SCOPE RULING BECAUSE THE DIVERSIFIED PRODUCTS CRITERIA SHOW THAT AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE IS DIFFERENT THAN SUBJECT MERCHANDISE. THE CRITERIA THAT PLACE THE SPARKLING TREE OUTSIDE OF THE SCOPE OF THE ORDER INCLUDE (1)THE PHYSICAL CHARACTERISTICS OF THE PRODUCT, (2) THE MANNER IN WHICH THE PRODUCT IS ADVERTISED AND DISPLAYED, (3) THE EXPECTATIONS OF THE ULTIMATE PURCHASER, (4) AND THE ULTIMATE USE OF THE PRODUCT. THEREFORE, AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE IS NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING SPARKLERS FROM THE PEOPLE'S REPUBLIC OF CHINA.

3. EFFECTIVE 12/17/1990, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE LISTED ABOVE.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE LISTED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/17/1990.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. FOR ALL OTHER SHIPMENTS OF AMERICAN PROMOTIONAL EVENTS, INC.'S SPARKLING TREE FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY NME:JEH).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

FLORENCE CONSTANT

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party